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 acting by and through the DEPARTMENT OF TRANSPORTATION;
 DALE BONNER, WILL KEMPTON and PEDRO ORSO-DELGADO

UNITED STATES DISTRICT COURT

Southern District of California

SAN DIEGO MINUTEMEN, An Unincorporated) Case No.: 08 CV 0210 WQH RBB
 Association,)

Plaintiff,)

vs.)

CALIFORNIA BUSINESS TRANSPORTATION)
 AND HOUSING AGENCY'S DEPARTMENT)
 OF TRANSPORTATION; DALE BONNER,)
 Individually and in his Official Capacity as)
 Agency Director, Business, Transportation and)
 Housing Agency; WILL KEMPTON, Individually)
 and in his Official Capacity as Caltrans Director;)
 PEDRO ORSO-DELGADO, Individually and in)
 his Official Capacity as Caltrans District Director)
 and DOES 1 through 10,)

Defendant)

**AMENDED REQUEST FOR
 JUDICIAL NOTICE**

*No oral argument unless requested by the
 Court*

Date: April 1, 2008
 Time: 11:00 a.m.
 Courtroom: 4
 Judge: William Q. Hayes

Defendants, by and through their attorney, hereby requests the Court to take judicial
 notice pursuant to Federal Rule of Evidence 201 of the following facts:

1. Caltrans Adopt-a-Highway Program Guidelines and Coordinators Handbook, a
 copy of which is attached hereto as Exhibit 1.

While documents not included in the original pleading generally cannot be considered on
 a Federal Rule of Civil Procedure 12(b)(6) motion without converting the motion into one for
 summary judgment, an exception exists for documents the authenticity of which are not disputed

1 by the parties, official records, documents central to plaintiffs' claim and documents sufficiently
2 referred to in the complaint. Mack v. South Bay Beer Distributors, 798 F.2d 1279, 1282 (9th
3 Cir. 1986); Watterson v. Page, 987 F.2d 1, 3 (1st Cir. 1993).

4 The Caltrans Adopt-a-Highway Program Guidelines and Coordinator's handbook is an
5 official record which is central to plaintiff's claim. The authenticity of this document is not in
6 dispute by the parties. Because this document is an official record central to plaintiff's claim and
7 its authenticity is not in dispute, the Court is able to take judicial notice of this document without
8 converting defendants' motion for dismissal pursuant to Federal Rule of Civil Procedure 12(b)
9 into one for summary judgment.

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11 Dated: 2/27/08

12 s/ Jeffrey R. Benowitz
13 Attorney for Defendants
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